

**SUPREME COURT CALENDAR
SAN FRANCISCO SESSION
SEPTEMBER 4, 2001**

The following cases are placed upon the calendar of the Supreme Court for hearing at its courtroom 350 McAllister Street, Fourth Floor, San Francisco, California, on September 4, 2001.

TUESDAY, SEPTEMBER 4, 2001—9:00 A.M.

***IN MEMORIAM—HON. STANLEY MOSK*
Associate Justice, California Supreme Court (1964–2001)**

- (1) S089115 Haynie v. Superior Court, County of Los Angeles;
 (County of Los Angeles)
 (*Harry E. Hull, Jr., J., assigned Justice Pro Tempore.*)

- (2) S088872 Draper v. Aceto
 (*James J. Marchiano, J., assigned Justice Pro Tempore.*)

1:30 P.M.

- (3) S086153 People v. Slayton
 (*Mildred L. Lillie, P.J., assigned Justice Pro Tempore.*)

- (4) S078271 Vu v. Prudential Insurance
 (*Herbert I. Levy, J., assigned Justice Pro Tempore.*)

- (5) S009169 People v. Martin Kipp [*Automatic Appeal*]
 (*Daniel J. Kremer, P.J., assigned Justice Pro Tempore.*)

GEORGE
Chief Justice

If exhibits are to be transmitted to this court, counsel must comply with Rule 10(d), California Rules of Court.

**SUPREME COURT CALENDAR
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The following case summaries are issued to inform the public and the press of cases that the Supreme Court has scheduled for oral argument and of their general subject matter. Generally, the descriptions set out below are reproduced from the original news release issued when review in each of these matters was granted and are provided for the convenience of the public and the press. The descriptions do not necessarily reflect the view of the court or define the specific issues that will be addressed by the court.

TUESDAY, SEPTEMBER 4, 2001—9:00 A.M.

***IN MEMORIAM—HON. STANLEY MOSK
Associate Justice, California Supreme Court (1964–2001)***

(1) Haynie v. Superior Court, County of Los Angeles; (County of Los Angeles), S089115 (Harry E. Hull, Jr., J., assigned Justice Pro Tempore.)

#00-95 Haynie v. Superior Court, County of Los Angeles; (County of Los Angeles), S089115. (B137707; 80 Cal.App.4th 603.) Petition for review after the Court of Appeal granted a petition for peremptory writ of mandate. This case includes issues concerning whether the exemption from disclosure under the Public Records Act for records of complaints to and investigations by police agencies (1) requires that the prospect of enforcement proceedings be concrete and definite and (2) applies to records created before or during a routine stop. (Gov. Code, § 6254(f).)

(2) Draper v. Aceto, S088872 (James J. Marchiano, J., assigned Justice Pro Tempore.)

#00-88 Draper v. Aceto, S088872. (G022560.) Unpublished opinion. Petition for review after the Court of Appeal affirmed an order in a civil case. This case concerns whether an attorney, who has pursued a claim against a third party on behalf of an injured worker, may recover fees pursuant to Labor Code section 3860(e) when the settlement with the third party does not exceed the amount of the

employer's liens and the worker ultimately does not receive any of the proceeds of the settlement.

1:30 PM

(3) People v. Slayton, S086153 (Mildred L. Lillie, P.J., assigned Justice Pro Tempore.)

#00-48 People v. Slayton, S086153. (E023001; 77 Cal.App.4th 564.) Petition for review after the Court of Appeal affirmed an order setting aside information. This case concerns whether, and under what circumstances, the Sixth Amendment permits a defendant, who has counsel on the crimes with which he has been charged, to be interrogated in counsel's absence about related crimes with which defendant has not been charged and, if there is a constitutional violation, what the remedy is for such violation.

(4) Vu v. Prudential Insurance, S078271 (Herbert I. Levy, J., assigned Justice Pro Tempore.)

#99-115 Vu v. Prudential Insurance, S078271. (9th Cir. No. 98-55540; 172 F.3d 725.) Request by the United States Court of Appeals for the Ninth Circuit for the answer to a certified question of state law pursuant to rule 29.5 of the California Rules of Court. The certified question, as posed by the Ninth Circuit and accepted by the California Supreme Court, states: "Where an insured presents a timely claim to his insurer for property damage under a policy, and the insurer's agent inspects the property but does not discover the full extent of covered damage, does California Insurance Code § 2071 bar a claim brought by the insured more than one year after the damage was sustained but within one year of his discovery of the additional damage? Or, to put the matter differently, does *Neff v. New York Life Ins. Co.*, 30 Cal.2d 165 (1947), remain good law?"

(5) People v. Martin Kipp, S009169 [Automatic Appeal] (Daniel J. Kremer, P.J., assigned Justice Pro Tempore.)

This matter is an automatic appeal from a judgment of death.